



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 9, 1997

Ms. Felicia Wasson  
Assistant City Attorney  
City of Dallas Criminal Law and Police Division  
Municipal Building  
Dallas, Texas 75201

OR97-0025

Dear Ms. Wasson:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102823.

The City of Dallas Police Department (the "department") received a request for offense reports that were obtained from a 911 call sheet. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.<sup>1</sup>

We note initially that included among the submitted documents was information relating to a sexual assault of a juvenile. Section 552.101 of the Government Code in conjunction with Family Code §261.201 prohibits disclosure of the requested information to the general public. This Family Code provision reads in pertinent part as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

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<sup>1</sup>You state that the offense reports are representative samples of the documents at issue. When you submit representative samples to this office, we assume that the "representative sample" of records submitted to this office is truly representative of the responsive records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Thus, we will not address any other records to the extent that those records contain substantially different types of information than that submitted to this office

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201. The information submitted to this office consists of "reports, records, communications, and working papers" used or developed in an investigation made under chapter 261 of the Family Code. Because you have not cited any specific rule that the department has adopted with regard to the release of this type of information, we assume that no such rule exists. Given that assumption, the requested records relating to a sexual assault of a juvenile are confidential pursuant to section 261.201 of the Family Code. See Fam. Code § 261.201(a). Accordingly, the department must withhold these records.

You argue that the requested information is excepted from required public disclosure under section 552.108 of the Government Code. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; see *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Moreover, we note that in Open Records Decision No. 394 (1983), this office determined that a police record of calls answered, like front page offense report information, is generally public. See generally *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976) (information normally found on the front page of offense report is generally considered public and must be disclosed). Thus, except for the information normally found on the front page, the department may withhold the remaining information under section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/SAB/ch

Ref.: ID# 102823

Enclosures: Submitted documents

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(w/o enclosures)